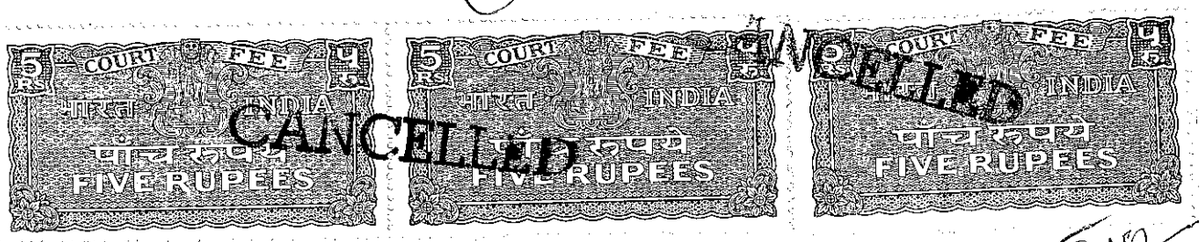
(1) (4)



C.D. 152

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

MISCELLANEOUS APPEAL NO. 691 OF 2004

MISCELLANEOUS APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT

Appellant
(Insurer)

National Insurance Company Ltd. through its Asstt. Manager, National Insurance Company, B-1 Taha Complex, 2nd Floor, Ring Road No.2, Priyadarshani Nagar, Bilaspur (Chhattisgarh)

P. R. No. ..... Bodlay
Presented by Shri Bakshi Singh
dated 15-Sep

Versus

Respondent
(Driver of vehicle)

1. Parmeshwar S/o Ramchandra Aged about 26 years, R/o Adiyara Kamma Khurd P.O. ~~Adipura~~, P.S. Malpura, Distt. Tonk, (Rajasthan), Present Address: Madhya Pradesh -Rajasthan Transport, Jarahabhata, Bilaspur (Chhattisgarh)

Respondent
(Owner of Vehicle)

2. Parmeshwar, S/o Shivnarayan Aged about 22 years, R/o Vill. Kewdi, P.S. Kewdi, Distt. Ajmer (Rajasthan) through Vimal Transport Co. Kewdi, Distt. Ajmer (Rajasthan)

RESPONDENTS
(Claimants)

3. Mathura Bai Wd/o Ramprasad Sahu, Aged about 52 years.

4. Suresh Kumar S/o Ramprasad Aged about 33 years,

(Sl.No. 3 & 4 are R/o Vill. Kargikala, Tah. Kota, Distt. Bilaspur (Chhattisgarh)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.No.681/2004 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13/09/2004: -

Heard Shri Sanjay K. Agrawal counsel for the appellant.

Insurance Company is the appellant. The accident occurred on 20/09/1998 when respondent No.1 who was driving the vehicle, owned by respondent No.2, in a rash and negligent manner, dashed against Ram Prasad resulting in his instantaneous death. Widow and son of the deceased filed Claim Case No.113 of 2001 on the file of Motor Accident Claims Tribunal, Bilaspur claiming a compensation of Rs.5,20,000/-. The Tribunal after considering the materials available on records came to the conclusion that the proper compensation can be fixed at Rs.62,000/-.

This Court carefully examined the materials on records. The Tribunal has held that the deceased at the relevant time was aged 60 years. The claimants namely widow and son of the deceased were aged 52 and 33 years, respectively at that time. The Tribunal has rightly proceeded on the basis that the deceased at the relevant time was earning Rs.15,000/- per year and also in adopting the multiplier of 5. The reasons given by the Tribunal for arriving at the figure of Rs.62,000/- are quite proper and acceptable. This Court does not find any error in the judgment of the Tribunal. Consequently, the appeal has to be dismissed and it is dismissed.

Sd/-
Chief Justice

[पीछे देखिये